

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHERYL COMPTON, et al.,)	
)	
Plaintiffs,)	
)	No. 4:11-CV-01975 CEJ
v.)	
)	
ST. LOUIS METROPOLITAN POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

AFFIDAVIT OF ASSOCIATE CITY COUNSELOR DANIEL J. EMERSON

COMES NOW, affiant, Associate City Counselor Daniel J. Emerson, having been duly sworn and upon his oath states the following:

1. My name is Daniel J. Emerson and I am an Associate City Counselor for the City of St. Louis ("City"). I am over eighteen (18) years of age and make this affidavit based solely upon personal knowledge of the foregoing.

2. I have been employed as an attorney with the City since August 1, 2004, and have been admitted to practice in United States District Court for the Eastern District of Missouri since December 27, 2004.

3. Throughout my tenure as a City Counselor, I have defended the City in numerous Civil Rights cases filed pursuant to 42 U.S.C. § 1983. I have litigated these matters in the District Court as well as the Court of Appeals for the Eighth Circuit.

4. I have experience defending the City in complex litigation involving the First Amendment as it relates to the City ordinances that are reasonable time, manner and place restrictions on speech.

5. At all times relevant in the City's Verified Statement of Reasonable Attorneys' Fees, I was employed as an Attorney III for the City, and my hourly billing rate in this capacity for Civil Rights cases is \$275.00 per hour.

6. Due to plaintiffs' failure to respond to the discovery propounded or to comply with this Court's Orders compelling said responses, I endeavored the following tasks:

<u>DATE</u>	<u>TASK(S)</u>	<u>HOURS</u>
8/6/12	Spoke with Attorney J. Welch in Division 11 regarding outstanding discovery and scheduled a conference call among counsel of record for 8/9/12; contacted Attorneys M. Lawson and J. Strada to get their availability for said call; E-mailed all counsel of record about the 8/9/12 conference call.	1.2
8/9/12	Spoke with Attorney T. Hogan regarding outstanding discovery requests relative to his clients.	0.2
8/14/12	Attempted to contact Attorneys T. Hogan, C. West and M. Ellinger-Locke; left voicemail for T. Hogan but was unable to do so for C. West or M. Ellinger Locke; spoke with Attorney M. Lawson about filing a Motion to Compel Discovery Responses and about possibly seeking leave to amend the Case Management Order; drafted and filed a Motion to Compel; received and reviewed Motion to Compel filed on behalf of the St. Louis Metropolitan Police Department ("SLMPD") defendants	3.0
8/28/12	Received and reviewed Orders from the District Court compelling plaintiffs to respond to outstanding discovery by 9/7/12	0.3
9/10/12	Drafted and filed a Motion for Sanctions and Memorandum of Law in Support thereof; received and reviewed plaintiffs' attorneys' Motion to Withdraw and for Dismissal without Prejudice	4.5
9/11/12	Received and reviewed SLMPD's Motion for Sanctions and Memorandum of Law in support thereof; spoke with Attorney M. Lawson about plaintiffs' Motion for Dismissal without Prejudice and plaintiffs' attorneys' Motion to Withdraw	1.1

9/12/12	Drafted and filed a Response in Opposition to Plaintiffs' Motion for Dismissal without Prejudice	4.1
9/13/12	Received and reviewed Attorney T. Hogan's Motion to Withdraw	0.2
9/14/12	Received and reviewed SLMPD's Response in Opposition to Plaintiffs' Motion for Dismissal without Prejudice	0.4
12/31/12	Received and reviewed the Court's Order granting the City's and SLMPD's Motions for Sanctions; spoke to Deputy City Counselor M. Garvin and Attorney M. Lawson about same	0.3
1/29/13	Drafted Verified Statement of Reasonable Attorneys' Fees	1.4
TOTAL:		16.7

7. I expended 16.7 hours at an hourly rate of \$275.00, for a total of \$4,592.50 in reasonable attorneys' fees expended as a direct result of plaintiffs' failure to respond to discovery.

8. The City did not incur any taxable court costs as a direct result of plaintiff's failure to respond to discovery.

Further affiant sayeth not.

Daniel J. Emerson
Associate City Counselor

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

Subscribed and sworn to before me, a Notary Public, this 31st day of January, 2013.

Notary Public

My commission expires: 1/21/15

